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DEPARTMENT OF JUSTICE
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4400

December 4, 1992

Rachel Kyllonen
Box 726
Carlin, NV 89822

Re: Petition for Public Records Disclosure Order:
Adult and Family Services Division
Waverly Children's Home

Dear Ms. Kyllonen:

This letter is the Attorney General's order on your petition for disclosure of records under the Oregon Public Records Law, ORS 192.410 to 192.505. Your petition, which we received on November 30, 1992, asks the Attorney General to direct the "Waverly Children's Hospital or Branch of AFDC" to make available adoption records, including your biological mother's name and the consent to adoption which your biological mother signed. We respectfully deny your petition for the reasons stated below.

The Public Records Law confers a right to inspect any public records of a public body in Oregon, subject to certain exemptions and limitations. See ORS 192.420. If a public record contains exempt and nonexempt material, the public body must separate the materials and make the nonexempt material available for examination if it is "reasonably possible" to do so while preserving the confidentiality of the exempt material. Turner v. Reed, 22 Or App 177, 186 n 8, 538 P2d 373 (1975).

The Public Records Law also provides that a person denied the right to inspect or receive a copy of a public record by a state agency or official may petition the Attorney General to order release of the record. See ORS 192.450 to 192.470. The Waverly Children's Home is not a state agency; it is a private child caring agency. The Attorney General has no authority to order a private agency to release records. Id.

We interpret your reference to "Branch of AFDC" to mean the Adult and Family Services Division of the Department of Human Resources (AFSD), which administers the AFDC (Aid to Families with Dependent Children) program in Oregon. AFSD does not have any adoption records. Because AFSD has no records that satisfy your request, there is no basis upon which the Attorney General can order that agency to disclose such records.

Other state agencies that maintain adoption files have not denied you access to those records. Absent a request to, and denial by, a state agency, the Attorney General does not have jurisdiction to order disclosure. See ORS 192.450(1).

Accordingly, we respectfully deny your petition to compel disclosure.

In closing, we note that the records you seek are maintained by the courts and the Children's Services Division (CSD). See ORS 7.211, 109.435. CSD permanently maintains all records of adoptions finalized in Oregon. The adoption records are sealed by state law and are not subject to inspection without a court order. See ORS 7.211(1), 109.440.[1/]

Sincerely,

Amy Veranth
Opinions Coordinator
General Counsel Division

Enclosures

c: Karen Pierson, CSD, Adoption Services (w/o enc)

AV:KJW:lyr:JAA009C3

[1/] CSD has forwarded to us a list of national and Oregon adoption support resources, which is enclosed with this letter. CSD also notes that you may register with the Voluntary Adoption Registry. See ORS 109.455 to 109.500.

The Waverly Children's Home maintains its own adoption registry. Through the registry, you may receive nonidentifying family history information if your biological mother has not registered. If your biological mother has registered, the agency may provide identifying information. See ORS 109.500. To register, you would need to notify the Waverly Children's Home, 3550 S.E. Woodward, Portland, Oregon 97202, attention: Kathy Connolly.